

**REMARKS**

Claims 1-12 and 18-25 are pending in the application.

Claims 1-12 and 18-25 stand rejected.

Claims 13-17 were previously cancelled.

Claims 10-12 are currently cancelled.

Claims 1, 18 and 23 have been amended.

Claims 26-28 have been added.

**Rejection of Claims under 35 U.S.C. §101**

Claims 10-12 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants have cancelled Claims 10-12, rendering the rejection moot.

**Rejection of Claims under 35 U.S.C. § 103**

Claims 1-12 and 18-25 stand rejected under 35 U.S.C. § 103(a) as being purportedly anticipated over Gabber et al., U.S. Publication No. 2003-0145179 (Gabber) in view of Duprey et al., U.S. Patent No. 6, 671,705 (Duprey). After careful consideration of the remarks in the present Final Office Action, Applicants respectfully assert that Claims 1-12 and 18-25, as now amended, are not rendered unpatentable by the combination of Gabber and Duprey, in view of the arguments herein.

Regarding independent Claims 1 and similar independent Claims 18 and 23, nothing in the combination of Gabber and Duprey discloses (or renders obvious) the newly-added element of: “determining that each of the plurality of secondary nodes has acknowledged the update.”

Gabber is posited by the present Final Office Action as disclosing identifying at least one storage element to which to send a request. Gabber, paragraph [0023]. However, nothing in the

cited passages of Gabber disclose “determining that each of the plurality of secondary nodes has acknowledged the update”, as disclosed in independent Claims 1, 18, and 23.

In fact, one with skill in the art would not expect the combination of Gabber and Duprey to disclose (or render obvious) the elements recited in independent Claims 1, 18, and 23 because Gabber’s constant state polling of the storage elements (to determine whether or not the storage elements have up-to-date data) by the host element is antithetical to the approach used by the claimed invention. Gabber, paragraphs [0033]-[0034]. Gabber’s constant polling is time-consuming and inefficient, while the elements recited in independent Claims 1, 18, and 23 do not employ anything even remotely similar to the constant state polling of the storage elements by the host element to determine whether or not the storage elements have up-to-date data. The primary node, as recited in Claim 1, has no need of polling such as that in Gabber because the primary node keeps track of the states of the secondary nodes locally when the updates are sent.

The Final Office Action posits that Duprey discloses the use of a log to quickly resynchronize slave images following a failure in a master storage unit. Nothing in Duprey discloses (or renders obvious) “determining that each of the plurality of secondary nodes has acknowledged the update,” as recited in independent Claims 1, 18, and 23.

In fact, one with skill in the art would not expect Duprey to disclose (or render obvious) the aforementioned element recited in independent Claims 1, 18, and 23 because Duprey’s use of a log merely enables the resynchronization of slave images to the master image by copying those portions of the master image indicated in the log to the slave images. Duprey’s approach does not even address the issue solved by independent Claims 1, 18, and 23, namely “determining that each of the plurality of secondary nodes has acknowledged the update” and sending a notification in response to the determination.

Hence, the combination of Gabber and Duprey therefore fails to disclose (or render obvious) each and every element of independent Claims 1, 18, and 23, and all dependent claims. Thus, Claims 1-12 and 18-25 are not rendered unpatentable by the combination of Gabber and Duprey. Applicants respectfully request that the rejection be withdrawn.

Applicants have added Claims 26-28 to address how the primary node determines each of the plurality of secondary nodes have acknowledged the update, as recited in independent Claims 1, 18, and 23.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5084.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,



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